

MINUTES
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
REVIEW COMMITTEE
TENTH MEETING: OCTOBER 16-18, 1995
ANCHORAGE, ALASKA

The tenth meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Tessie Naranjo at 8:30 a.m., Monday, October 16, 1995 at the Dillingham Room, Anchorage Hilton, Anchorage, Alaska. The following committee members, National Park Service staff, and others were in attendance:

Members of the committee:

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Ms. Tessie Naranjo, Chair
Ms. Rachel Craig
Mr. Jonathan Haas
Mr. Dan Monroe
Mr. Martin E. Sullivan
Mr. William Tallbull
Mr. Phillip L. Walker

National Park Service staff present:

Mr. Francis P. McManamon, Departmental Consulting Archaeologist, Washington, DC
Mr. C. Timothy McKeown, NAGPRA Team Leader, Washington, DC
Ms. Mandy Murphy, NAGPRA Consultant, Washington, DC

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The following were in attendance during some or all of the proceedings:

Mr. Herbert Anungazuk, National Park Service, Anchorage, Alaska

Mr. Patrick Anderson, Juneau, Alaska

Mr. Ted Birkedal, National Park Service, Anchorage, Alaska

Ms. Harriet Blair, Maniilaq Association, Kotzebue, Alaska

Ms. Karen Bretz, Naknek, Alaska

Ms. Barbara Carlson, Qawalangin Tribe of Unalaska and the Unalaska Corporation, Unalaska,
Alaska

Ms. Linda Cook, National Park Service, Anchorage, Alaska

Mr. J.R. Deagen, Office of Senator Murkowski, Anchorage, Alaska

Ms. Marilyn Doyle, Douglas Indian Association, Douglas, Alaska

Ms. Cheryl Eldemar, Central Council of Tlingit and Haida Indians, Juneau, Alaska

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Ms. Lena Farkas, Yakutat Tlingit Tribe, Yakutat, Alaska
Ms. Gillian Flynn, National Museum of Natural History, Washington, DC
Mr. Keller George, Oneida Nation of New York, Vernon, New York
Ms. Arlene Glenn, Barrow, Alaska
Ms. Martha Graham, American Museum of Natural History, New York, New York
Ms. O'Patricia L. Gregory, Ounalashka Corporation, Qawalangin Tribe, Unalaska, Alaska
Ms. Jana Harcharek, Keepers of the Treasures, Barrow, Alaska
Mr. Gary Harrison, Chickaloon Village, Chickaloon, Alaska
Mr. Steve Henrikson, Alaska State Museum, Juneau, Alaska
Mr. Mike Huhndorf, Kenaitze Indian Tribe IRA, Kenai, Alaska
Ms. Andrea Hunter, Smithsonian Review Committee, Washington, D.C.
Ms. Dawn S. Jackson, Organized Village of Kake, Kake, Alaska

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Mr. Mike A. Jackson, Organized Village of Kake, Kake, Alaska
Mr. Michael Jennings, University of Alaska-Fairbanks, Alaska
Ms. Marilyn John, Oneida Nation of New York, Oneida, New York
Ms. Jolene John-Ellis, AVCP Incorporated, Bethel, Alaska
Mr. John Johnson, Chugach Heritage Foundation, Anchorage, Alaska
Ms. Marlene Johnson, Huna Heritage Foundation, Juneau, Alaska
Mr. William Jones, Kavilco Incorporated, Ward Cove, Alaska
Mr. Bruce Kato, State Museum, Juneau, Alaska
Mr. Harry R. Lang, BIHA, Sitka, Alaska
Ms. Frances Lekanot, Yakutat Tlingit Tribe, Yakutat, Alaska
Ms. Alexandra Lindgren, Kenaitze Indian Tribe IRA, Kenai, Alaska
Mr. Edward M. Luby, Hearst Museum, University of California at Berkeley, Berkeley,

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California

Ms. Vera Metcalf, Bering Straits Foundation, Alaska

Ms. Margie Macaulay, Bristol Bay Native Foundation, Anchorage, Alaska

Mr. Emil Norton, Alutiiq Museum and Archaeological Repository, Kodiak, Alaska

Mr. Brian Patterson, Oneida Nation of New York, Vernon, New York

Mr. Gordon L. Pullar, College of Rural Alaska, Rim, Anchorage, Alaska

Ms. Marjorie Rosser, Eklutna Village, Alaska

Mr. Walter Soboleff, Tenakee Spring Tlingit, Alaska

Mr. Robert Sam, Tlingit Cemetery Caretaker, Sitka, Alaska

Ms. Debra Sanders, National Park Service, Alaska

Mr. Gary Selinger, University of Alaska Museum, Anchorage, Alaska

Mr. Bob Shaw, State of Alaska, Anchorage, Alaska

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Mr. Mike Smith, Zuckerman Spaeder, Washington, D.C.
Mr. Sean Smith, TDX Corporation, Anchorage, Alaska
Ms. Alberta Stephan, Native Village of Eklutna, Eklutna, Alaska
Mr. Larry Strain, Alaska Area Native Health Service, Anchorage, Alaska
Mr. Doug Veltre, University of Alaska, Anchorage, Alaska
Mr. Carey Vicenti, Jicarilla Apache, Dulce, New Mexico
Ms. Patricia Williams, Ketchikan, Alaska
Ms. Miranda Wright, Keepers of the Treasures Alaska, Fairbanks, Alaska

Ms. Naranjo welcomed everyone to the meeting, and asked Mr. Walter Soboleff to provide the opening invocation. She then asked the committee members to introduce themselves.

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Mr. Ted Birkedal, Chief of Cultural Resources with the National Park Service (NPS) in Alaska, welcomed the committee to Alaska on behalf of Robert Barbee, Field Area Director of the NPS, and was encouraged that NAGPRA and the committee will advance the repatriation process in order to bring the ancestors and objects of cultural patrimony of Alaska Natives, and all Native Americans, home.

Review of the Agenda

Mr. McManamon welcomed the committee members and the members of the public to the meeting and explained that the meetings are open to the public with scheduled public comment periods.

Mr. McManamon thanked Mr. Birkedal for his welcoming remarks and the Alaska System Support Office of the NPS for their assistance in organizing the meeting. He then thanked the committee members and the National Park Service NAGPRA staff for their time and efforts regarding implementation of the statute.

Mr. McManamon gave a brief review of the main agenda items, including: implementation update; draft recommendations regarding disposition of culturally unidentifiable human remains; dispute regarding disposition of an Oneida wampum belt; dispute regarding disposition of a shield previously owned by the Kiowa chief Satanta; implementation of the statute in Alaska; and a request from the Hood Museum regarding disposition of culturally unidentifiable human remains.

Implementation Update

Regulations: Mr. McManamon reported that the NPS has completed its review of the regulations, which have been signed by Mr. Frampton, Assistant Secretary for Fish and Wildlife and Parks. The regulations were then sent to the Office of Management and Budget (OMB) for final review. Mr. McManamon explained that after approval by the OMB, the regulations will be published in the *Federal Register* and,

after 30 days, will become final regulations. In the meantime, the NPS has worked to provide guidance on implementation of the statute by sending memos to museums and agencies regarding completion of NAGPRA inventory examples and describing procedures for museums to appeal to the Secretary of the Interior for extensions of NAGPRA inventory deadline.

Grants: Since the last NAGPRA meeting, 42 grants, totaling 2.2 millions dollars, were issued to museums and Indian tribes to assist in implementation of the statute.

Federal Register Notices: Mr. McManamon reported an increased number of requests to publish notices in the *Federal Register*. These include 15 notices of inventory completion and six notices of intent to repatriate.

Report to Congress: The committee's Report to Congress, as discussed at the Los Angeles meeting, has been completed and sent to the appropriate House and Senate Committee Chairs.

Mr. Sullivan asked how many extensions for inventory submissions have been requested to date.

Mr. McManamon replied that the NPS has received 12 requests, and he suggested that Mr. McKeown explain the extension process. Mr. McKeown explained that in order to receive an extension, museums need to show a good-faith effort by providing the following information: a letter from the museum's organizing body describing the reason for the expected failure to meet the November 16, 1995 deadline; a description of Native American human remains and associated funerary objects in the museum's collection, organized by archaeological site and/or geographic source; a listing of all contacts with Indian tribe officials consulted regarding cultural affiliation of the human remains and associated funerary objects; and a written plan detailing steps to complete the inventory by a specific date. After discussion, the committee suggested that

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as a formal part of the extension, partial completion could be required of the museum: for example, completion of inventories regarding certain tribes or a certain area of the country.

Discussion of Comments on the Draft Recommendations Regarding Disposition of Culturally Unidentifiable Human Remains in Museum or Federal Agency Collections

Mr. Haas summarized one of the mandates of the committee was a requirement of "compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each museum and Federal agency and recommending specific actions for developing a process for disposition of such human remains." In an effort to resolve this issue, the committee published and distributed draft recommendations regarding disposition of culturally unidentifiable human remains for public review and comment. Mr. Haas recommended the committee carefully review comments received on the draft recommendations in order to

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develop a process for disposition of these human remains. He urged the committee members to consider the fact that these recommendations could be developed into regulations. Mr. McManamon explained that the Secretary of the Interior would have the authority to issue regulations regarding culturally unidentifiable human remains -- since disposition of these items is specifically discussed in the committee's mandate. Regulations regarding culturally unidentifiable associated funerary objects may require additional legislation. Mr. Haas was concerned that museums and agencies may misinterpret the statute as not requiring inventory of those associated funerary objects and wanted to reinforce that requirement. After discussing the issue of treatment of associated funerary objects, the committee agreed that such objects should be treated in a manner consistent with the disposition of human remains but, at the same time, recognized an amendment to NAGPRA may be necessary to accomplish that.

Mr. Monroe suggested that the committee focus on the issues raised in the comments by the following

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statement in the draft recommendations -- "Ultimately, decisions about what happens to the human remains of Native American individuals from anywhere in the (U.S.) and associated funerary objects should rest in the hands of Native Americans" -- and stated that the majority of the comments against this statement came from the academic community. He pointed out that many comments still centered around the issue of rights of scientific inquiry versus other types of rights. He emphasized the basic premise of the regulations that disposition of culturally unidentifiable human remains should be determined by Native Americans. Mr. Haas felt that the negative reaction could be, in part, because of a problem with the perception of cultural affiliation. He suggested one solution might be developing a broader definition of cultural affiliation to include more than one group, such as with the Sioux tribes. He described a possible process of museums, Federal agencies, and universities being involved in determining Indian tribes with cultural affiliation. Then those Indian tribes would ultimately determine disposition for culturally unidentifiable human remains and associated objects.

Mr. Tallbull described the geographical history of his Indian tribe and his concern that human remains found in areas not currently associated with Cheyenne could actually be his ancestral human remains. When asked about his feelings of other Indian tribes taking responsibility for reburying human remains that could potentially be Cheyenne, Mr. Tallbull emphasized the sensitive nature of reinterment, since the spiritual part of the person human remains with the body, and added that if a commitment is made to acknowledge this process, he would be happy to have the human remains reinterred by other Indian tribes.

Ms. Naranjo pointed out that some comments suggested replacing the term "affinity" with "affiliation." Mr. Sullivan agreed with dropping the term "affinity" and using "affiliation," or considering any relationship of shared-group identity in the absence of known affiliation. Mr. Sullivan further stated that some comments pointed out the current difference in NAGPRA between the treatment and disposition of human remains found in new excavations and that accorded human remains already in collections.

Ms. Naranjo invited Mr. Carey Vicenti, Tribal Judge for the Jicarilla Apache, to comment on the subject. Mr. Vicenti explained that, in his opinion, human rights exist forever. An individual has a right to dignity and respect even after death. Mr. Vicenti stated that it was time for the study of Native American human remains to stop and all human remains to be reinterred regardless of cultural affiliation. In his opinion, most disputes will arise between museums and Indian tribes -- when a museum and an Indian tribe disagree about cultural affiliation -- and not between Indian tribes arguing over human remains. He feels that most Indian tribes are interested in returning human remains. Mr. Haas pointed out that ancient human remains are studied worldwide. However, the major difference in North America is human remains are not being studied by their descendants but by a colonial Western culture. Mr. Vicenti emphasized the importance of not studying the dead without consent. It is against all basic human rights. Mr. Tallbull added that the spirits of the dead should not be forgotten. They exist and are present.

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Mr. Walker summarized the committee’s discussion of draft recommendations regarding culturally unidentifiable human remains, as follows: 1) human remains that are culturally unidentifiable due to affiliation with a non-Federally recognized Indian group; and 2) developing a process of evaluating museum lists of human remains that are not culturally affiliated with any group. Mr. Monroe further suggested a process of determining cultural affiliation of those human remains where some information is known, for example, by having all relevant parties meet to try to reach a consensus. The process should go from the known to the unknown in dealing with culturally unidentifiable human remains. Mr. Walker stated the basic responsibility of trying to establish cultural affiliation rests with the committee which needs to evaluate museum inventories for validity of the findings and also to try to determine cultural affiliation in cases where information is inadequate for the museum to make a determination.

The committee discussed possible categories of cultural affiliation, which Ms. Naranjo summarized, as

follows: 1) human remains that are culturally affiliated with a Federally recognized Indian tribe; 2) human remains for which there is inadequate information to make a determination of cultural affiliation; and, 3) human remains that are affiliated with a non-Federally recognized Indian group. Mr. Walker suggested a fourth category in which inventories are received where the cultural affiliation that is given may be incorrect. He pointed out that such cases could have serious consequences. Mr. McKeown explained the NPS procedure of reviewing inventories for consistency and completeness of consultation but pointed out that the NPS does not have the staff to check all the specific details of the inventories. Mr. Walker emphasized the need to ensure that all groups that are potentially affiliated with human remains have an equal voice in the process of determining cultural affiliation and decisions regarding disposition. Mr. Monroe suggested that due to the inability of the committee to review all cases, a procedure of evaluating culturally unidentifiable human remains on a local and/or regional level could be established in order to simplify the process. Mr. Walker suggested that the NPS give some grant priority to proposals for regional consortia in order to

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stimulate regional consensus between Indian tribes, museums, and Federal agencies.

In summarizing the issue, Mr. Monroe stated that the committee has been discussing the value and benefit of increased dialogue on culturally unidentifiable human remains between Indian tribes and the scientific and museum community. Ultimate decisions about disposition would be made by Indian tribes. Mr. Monroe stated that it would ultimately be necessary to create another draft of the recommendations, which would be an ongoing iteration that should take into consideration the many comments received on the first draft. He also pointed out that any solution needs to be as simple as possible so as to not impose a financial burden on any Indian tribes or museums.

Mr. Walker suggested the NPS provide the committee with a database summarizing the basic information received from completed inventories, containing the following: collection information; geographical

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information; chronological information; number of human remains and artifacts involved; cultural affiliation; and consultation efforts. Mr. Walker also expressed concern about the committee monitoring the inventory process to ensure that all museums treat similar human remains and funerary objects consistently in order to avoid exclusion of potentially affiliated Indian tribes in the consultation process. The committee felt that NPS summarizing the current status of inventories and making those inventories available for the committee's review would, in part, help with that concern. Mr. McKeown described different cases where the grants program has enabled Indian tribes and museums to meet and develop their own processes to deal with the issue of culturally unidentifiable human remains. The committee discussed that the next step after developing a database, in the process of moving human remains from the culturally unidentifiable category to culturally affiliated, would be to publish all culturally affiliated human remains as a notice of inventory completion in the *Federal Register*.

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Mr. Vicenti pointed out that NAGPRA is not the only law governing treatment of the dead and suggested the committee should take into consideration compliance with local sepulcher laws when discussing the treatment of culturally unidentifiable human remains. He stated that most local laws require reinterment of the dead. Mr. Vicenti cautioned the committee to add wording alerting Congress and the Secretary of the Interior that some local sepulcher laws may not provide equal treatment of human remains. For example, some states classify all pre-1742 human remains as "ancient" human remains, which are subject to exhumation and study.

The committee discussed a model "paths" for treatment of human remains. The first step would be the submission of inventories, with human remains either being classified as culturally affiliated or culturally unidentifiable. The culturally affiliated human remains would go through the NAGPRA process for repatriation as outlined in the statute. The culturally unidentifiable human remains path then forks with one leading to cultural affiliation with non-Federally recognized Indian groups, and the other leading to truly

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culturally unidentifiable human remains. Human remains culturally affiliated with non-Federally recognized Indian groups could become classified as affiliated after the involved parties seek the advice of the committee in the dispute resolution process. Truly culturally unidentifiable human remains could be discussed at regional dialogues and could have two potential outcomes: human remains that become classified as affiliated due to consensus agreement, which then go into the NAGPRA process as culturally affiliated; and human remains which cannot be identified, with one treatment option being the application of local sepulcher law as described by Mr. Vicenti. Mr. McManamon stated that the model was definitely a helpful tool in trying to determine cultural affiliation and suggested the committee consider it not as a hard-and-fast set of rules to be followed, but rather as general guidelines that are helpful in the overall process.

The committee decided to send a letter to each individual or group who submitted comments concerning the draft recommendations regarding culturally unidentifiable human remains. Mr. Walker explained the points

that were considered, including: recognition of the enormous amount of work that went into the comments; how useful the comments were; and the importance of giving people access to every comment. Mr. Walker stated that Indian tribes, museums, and the scientific community need to come together in order to develop a way to deal with the problem of culturally unidentifiable human remains. Mr. Monroe stated that the letter fundamentally accomplished the goals of the committee, but he was concerned that the legal standing of the Secretary, with respect to capability to promulgate regulations on this matter, was unclear. He stated that since a number of people questioned whether the Secretary of the Interior has the authority to promulgate regulations on the subject of culturally unidentifiable human remains, the committee members need to describe what provisions of the draft they believe to be outside of the scope of the statute. The committee discussed the concept of shared group identity and the need to define that concept and its relationship to culturally unidentifiable human remains.

Mr. Sullivan stated that part of the next step of drafting recommendations will be to try to identify mechanisms that can continually narrow down the number of human remains that ultimately have to be considered culturally unidentifiable. Mr. Monroe suggested that the committee clearly state the legal standing of this issue, understanding that it cannot be resolved at this time, and added there will be another set of draft recommendations, with substantive changes from the first draft, that will be put out for comment. The committee then discussed the possibility of distributing the comments on a national level and the methods to do that. Mr. Monroe pointed out that the most effective method to get input on the draft recommendations was direct, face-to-face dialogue and suggested emphasizing dialogue rather than distribution of the comments. He then described the active role of the Heard Museum during the creation of NAGPRA and suggested emphasizing the role of entities in the dialogue process.

The committee discussed possible solutions to the final group of human remains that will remain culturally

unidentifiable after all attempts to identify them. Ms. Craig explained that efforts are taking place in Alaska to form a committee of different Alaska Native groups in order to develop a method to deal with culturally unidentifiable human remains. One solution is the tomb of the Unknown Alaska Native placed in a secure location such as a city cemetery.

Mr. Sullivan stated that the committee will devote as much time as possible at the next meeting to the developing revised draft of recommendations. This draft will be based on discussions at this meeting, comments received on the first draft, the chart prepared by Mr. Haas, and any ideas developed by the committee members before the next meeting. Mr. Monroe suggested finalizing recommendations prior to the termination of this particular committee, as it would be very difficult for a new group of people to complete.

Discussion of the Dispute Resolution Process

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Mr. McManamon described the committee’s role of facilitating the resolution of disputes among Indian tribes, Native Hawaiian organizations, Alaska Native villages and organizations, lineal descendants, and Federal agencies and museums. The procedures involved in the dispute process include reviewing requests for consideration of the cases for dispute at the NPS staff level. These facts are then discussed with the committee Chair and a decision is made as to whether the committee regards the situation as a dispute. Mr. McManamon reported that this process had been followed with the Oneida wampum belt dispute. The committee, through the NPS, requested that the parties submit written documentation on the facts of the case and invited the representatives of the interested parties to make statements and answer questions at a committee meeting. Mr. McManamon explained that for both disputes scheduled for discussion at the Anchorage meeting, the committee offered a chance for participants to make formal presentations in the future regarding their issues, due to the great distance involved in reaching this committee meeting.

Discussion of the Submissions from the Oneida Indian Tribe of Wisconsin, the Field Museum, and the Oneida Indian Nation of New York

Mr. Haas recused himself from this discussion.

Committee Discussion: Mr. Sullivan began by stating that, in his opinion, the wampum belt in question was clearly an Oneida Nation belt. It is not a clan belt. The belt clearly falls within the definition of cultural patrimony. He thus feels that the dispute is appropriate to consider under NAGPRA. Mr. Sullivan expressed the hope that the parties involved in this dispute would make every effort to talk with each other, in light of the historical and cultural significance of the wampum as a symbol of unity and heritage intended to bring people together. Ms. Craig also encouraged the parties to work together and concentrate on the relationship of the people as a whole in order to maintain a semblance of unity and love for each other. Mr. Monroe

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expressed the hope that the dispute could be resolved through consensus rather than the committee issuing a finding.

Mr. Keller George, Oneida Nation of New York, asked to address the committee. He explained that Oneida society was traditionally matrilineal, with inheritance being traced through the mother's side. He described the government of the Oneida Tribe of Wisconsin as being a patrilineal society, following the father's heritage, and explained that they also have deviated from the traditional clan system by having a business committee and electing their government. Mr. George stated the Oneida Nation of New York is a matrilineal society, following the clanship from the mother's side, which is traditional in Iroquois society, and following their traditional ways with ceremonies and use of a Longhouse. Mr. George explained that the Oneida Nation of New York are the ancestors of the Indian tribe that established the government in Wisconsin. He emphasized that there is no dispute among the parties that the belt was created in New York, used in New

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York, and tells a story in New York of the Confederacy based in the territory now known as New York. Mr. George explained that the Oneida Central Fire never left New York, and the Oneida culture, heritage, and traditions still flourish within the Longhouse of the Oneida Nation, which is why this particular wampum belt is so significant to the practices of the Oneida Nation of New York. Mr. George stated that the very essence of the NAGPRA Act itself is based on repatriation; which he felt should be to the place of origin and use, which is New York.

Ms. Marilyn John, Oneida Nation of New York, explained that the red color on the belt signifies the blood the Oneida have shed for the United States. She explained, according to the markings on the belt, the ceremony when the red color would have been put on the belt to signify a declaration of war did not have a proper closure. As a result, the Iroquois have been in disarray since the American Revolution; that closure needs to occur in order for the Confederacy to come back together; and the only place to have final closure

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would be in New York where that ceremony would have been performed.

Mr. Brian Patterson, Oneida Nation of New York, explained that the Oneida people of New York have stayed, suffered, and endured hardships throughout the past and never left their land. He added that the Oneida people of New York were able to adapt and grow with the times and still maintain traditional and cultural beliefs. He described the differences between the two Oneida tribes and stated that the Oneida Tribe of Wisconsin has attempted to overthrow the Oneida Nation of New York. He claimed that the Oneida Tribe of Wisconsin sold their birthright and disregarded the traditional way of life, and therefore, their interest in the belt is only historical. He added the Elijah Skenandoa that left New York and took the wampum belt to Wisconsin was not a sanctioned chief and did not have the right to remove the belt from New York.

Mr. Michael Smith, attorney for the Oneida Nation of New York, explained that although discussion between

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the parties on similar type of issues is always the best solution, this may not be possible given the history of the two groups. He stated that historically and culturally the belt belongs in New York, and that the Oneida Tribe of Wisconsin has not been able to prove cultural use of the belt in their submissions. The Oneida Nation of New York asked the committee to find the clearest and closest cultural affiliation with the belt to be New York.

Committee Questions and Discussion: Mr. Sullivan asked if the Oneida Nation of New York has a copy of all written submissions from the Oneida Tribe of Wisconsin and the Field Museum, and Mr. George stated that they do. Mr. Sullivan then asked for the sequence of events in this dispute, which Mr. Smith summarized as follows: the Field Museum sent the required summaries of its collections to all Indian nations on November 1, 1993; the Oneida Nation of New York responded with a claim for the belt on February 7, 1994; the Oneida Tribe of Wisconsin made a claim for the belt on October 12, 1994; and on

March 1, 1995, the Field Museum published a notice of intent to repatriate the belt to the Oneida Nation of New York in the *Federal Register*.

When asked if there was any shared cultural heritage between the Oneida of New York and the Oneida of Wisconsin, Mr. George responded that he feels there is not, because he is not aware of any ceremonies being performed in the Wisconsin Longhouse, nor have New York Oneida been invited to any such ceremonies. Mr. George responded to further questioning about the political histories of the two Indian tribes and explained about the current land claim dispute that caused the present dissention. He added that this situation makes discussions between the two groups impossible. Mr. George explained that the Oneida Nation of New York is the smallest of the three Oneida groups because they follow the matrilineal method of determining heritage, whereas both the Oneida Tribe of Wisconsin and Oneida of the Thames use the nontraditional patrilineal method. He added that the Oneida Nation of New York follows the tradition of communal

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ownership of land, not individual ownership.

Mr. McManamon thanked the Oneida Nation of New York for their presentation and input. He then summarized areas of agreement in the written material from all parties as follows: both the Oneida Nation of New York and the Oneida Tribe of Wisconsin are Federally recognized Indian tribes and have standing under NAGPRA; and the wampum belt under dispute fits the definition of an object of cultural patrimony under NAGPRA. Mr. McManamon pointed out certain claims made by the Oneida Tribe of Wisconsin that differed from the views presented by the Oneida Nation of New York as follows: the Oneida Tribe of Wisconsin claims to be able to trace a continuous governmental existence from the time the belt was created by the unified Oneida Nation, prior to the move of part of the Indian tribe to Wisconsin; the belt was taken to Wisconsin by Chief Elijah Skenandoa in 1830; in the late 19th Century the belt was held in a post office in Oneida, Wisconsin; and the Oneida Tribe of Wisconsin asserts that the belt was probably obtained by

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Mr. Wyman, a collector, who subsequently gave it to the Field Museum, although the exact details of that exchange remain under dispute.

Mr. Monroe suggested that the committee hold a formal dispute hearing at the next committee meeting.

Mr. Walker expressed the concern that NAGPRA considers cultural affiliation to be an either/or situation, either a Indian tribe is culturally affiliated or it is not culturally affiliated, which would mean that several different groups with varying degrees of connection to ancestral human remains or cultural patrimony under the law would seem to have equal standing. Mr. Smith stated that he felt the statute as a whole takes a different view and speaks to the most appropriate Indian tribe or clan where there are competing claims.

After discussion, the committee decided to send a letter to all three parties in the dispute, the Oneida Tribe of Wisconsin, the Oneida Nation of New York, and the Field Museum, asking that they come together to

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make formal presentations to the committee at the next committee meeting. Each party would be asked specifically what efforts they have made to reach a resolution together, as well as any specific questions that individual committee members might have.

Discussion of the Submissions from Betty Washburn and the Hearst Museum

Mr. McManamon summarized the positions of Ms. Betty Washburn and the Hearst Museum at the University of California at Berkeley. Ms. Washburn asserted in her submission that the shield has an ongoing historical, traditional and cultural importance to the Kiowa Tribe and ought to be considered as an object of cultural patrimony. She also stated that the shield was used in the annual sun dance until that ceremony was outlawed by the United States in 1890 and would be needed if the ceremony is renewed. Lastly, she argued that the shield was not transferred and did not come into the possession of the museum where it currently is

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held according to traditional Kiowa property rules. Written materials presented by the Hearst Museum asserted that the individual who came forward as a lineal descendent does not have standing for claiming the object because it has been defined as an object of cultural patrimony. Therefore, only a culturally affiliated Indian tribe has standing to make a claim, in this case the Kiowa Tribe. The museum also stated that if the shield is to be considered the property of the individual, Satanta, the museum would contend that it was given to his son and then bequeathed to Hugh Scott, from whom the museum received it. Those transfers seem to have been appropriate. In addition, no Kiowa religious leader has claimed that the shield is needed for traditional religious practice. Ms. Washburn's own information indicates that it is uncertain whether the Kiowa would be able to revive the sun dance even if the shield were available. The museum contended that there is no evidence of any impropriety on the part of any of the individuals who held the shield since Satanta.

Mr. Monroe stated that the claim for cultural patrimony is questionable since the object was individually owned. The museum also provided documentation of the transfer of the shield from Satanta's son to Mr. Scott and from Mr. Scott to the museum. No traditional Kiowa religious leaders have identified the shield as being necessary for the practice of traditional Kiowa religion by present day adherents. Mr. Monroe also pointed out that, in light of Ms. Washburn's statement that she was more concerned about having access to the shield than she was about actual repatriation, this might be a great opportunity for the Hearst Museum to exercise its responsibility to help preserve and develop living cultures with an extended loan of the object to a museum in Oklahoma. Mr. Monroe recommended urging both parties to pursue that option.

Mr. Vicenti agreed with Mr. Monroe's assessment of the situation and his recommendation, but he wanted to point out that there really needs to be some participation by the involved Indian tribe, the Kiowa, in order to reach a solution in this case. He further stated that the Indian tribe is responsible for describing their notion

of ownership law and what can be owned and transferred. It was not the responsibility of the museum to prove how it acquired the object. In the absence of the Indian tribe's claim of cultural patrimony in this case, Mr. Vicenti stated that the only recourse is to suggest that the Indian tribe work toward a solution with the Hearst Museum.

Mr. Tallbull stated that in some cases Indian tribes elect to leave items in museums and use them only for certain ceremonies or for renewal and purification of the item. One reason would be to protect the item, especially when the item is used only for certain ceremonies. He added some items could be considered both an item of cultural patrimony and a sacred object. Mr. Tallbull explained one possible reason for Ms. Washburn's request could be a desire to perform renewal and purification ceremonies for the shield since it has been in a museum for so long. He went on to explain the immense power of certain items and how dangerous that power can be.

Mr. Monroe explained, in this case an individual is making a claim for cultural patrimony. This is internally inconsistent with statutory language. Therefore, the committee can make a suggestion that the two parties work together toward an agreement, but cannot issue a finding. Mr. McManamon asked the committee, in light of Mr. Tallbull's comments, to discuss the possibility that the shield could be a sacred object. He wondered what effect a determination that the shield was a sacred object would have on the museum's right of possession. Mr. McManamon then asked the committee to discuss the issue of cultural patrimony and consider the letter received from the Kiowa chief stating that the claim is to be considered as a claim for all Kiowa people. Mr. Tallbull expressed the view that an object of cultural patrimony could, in fact, be passed from person to person in the sense that these people were the caretakers of the object. The family is responsible for the care of the shield and for determining what happens to the shield even within the community. These objects can be sacred. Mr. Vicenti added that while he appreciates Mr. Tallbull's point, there is no evidence presented on the part of the Kiowas in support of that type of tribal treatment of objects

of cultural patrimony. Therefore, the committee should refer to the tribal law, for which the claimant has not demonstrated standing, either as a lineal descendant or as an agent of the Indian tribe. Mr. McManamon asked Mr. Tallbull if, in his scenario, there could be a possible explanation for a caretaker of an object, such as the shield, to pass that object to non-family members. Mr. Tallbull explained that this did happen in some cases when individuals were not allowed to practice their ceremonies and had to hide these objects or pass them on to other people. This sometimes included non-family members. Some of these objects found their way into museums, either when graves were robbed or someone disposed of them. Mr. Tallbull indicated that none of these objects belong in museums.

After discussion, the committee decided to send a letter to Ms. Washburn stating that the committee has questions about whether or not the shield actually fits the categories of object of cultural patrimony or sacred object and whether or not a lineal descendent can make a claim for an object of cultural patrimony. The

committee would appreciate some additional written text and/or discussion at the next committee meeting. The committee would also send a letter to the Hearst Museum recommending that the museum continue to pursue the course it is apparently following and encouraging the Hearst Museum to work out an agreement with the Fort Sill Museum that would allow for a long-term loan agreement of the shield. Additional discussion may be required by the committee as more information becomes available.

Review of a Request for Recommendations Regarding the Disposition of Culturally Unidentifiable Human Remains from the Hood Museum, Dartmouth College

Mr. McManamon summarized the request from the Hood Museum of Art at Dartmouth College concerning two sets of culturally unidentifiable human remains. The Hood Museum is requesting a recommendation on repatriation of the human remains to the Wabanaki Tribe, a non-Federally recognized Indian group in

Vermont. The Hood Museum has consulted with both the Wabanaki Tribe and the Penobscot Tribe, a Federally recognized Indian tribe with potential cultural affiliation to the human remains. A letter from the Penobscot Tribal Chair indicated that the Penobscot do not feel that they are culturally affiliated with these human remains and feel that repatriation to the Wabanaki would be appropriate. Ms. Naranjo and Mr. Monroe recommended the return of the human remains to the Wabanaki from the Hood Museum. Mr. Haas agreed and added that this could be positive precedent that may be applied to other culturally unidentifiable human remains.

Mr. Vicenti suggested further efforts be made to ensure that all potentially culturally affiliated groups are notified. After discussion, the committee agreed that repatriation would occur, if no other groups come forward with a claim for the human remains after additional publication in New Hampshire and Vermont. At that point, the committee would recommend that the Secretary of the Interior send the Hood Museum a

letter indicating that this repatriation is appropriate. If no groups claim the human remains, the human remains could be repatriated without coming before the committee again.

Discussion of Museum Extensions

Mr. McManamon stated that the Secretary of the Interior is authorized to grant extensions for inventory completion to museums. The NPS developed a set of criteria for requesting extensions and an independent set of criteria to describe what would constitute good faith on the part of museums. These criteria have been distributed to the museum community. Mr. McManamon asked for any guidance or recommendations from the committee in terms of interpretation of information that is received on the subject. Mr. Walker suggested that the process of reviewing the extensions be fair, with an equal standard being applied to all museums. He also thought that there should be no delay in the completion of portions of the inventory for groups where

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cultural affiliation is clear. Mr. Monroe stated that other factors to be considered would be the degree to which a reasonable amount of time and money has already been expended in an effort to comply with the deadline, a reasonable explanation as to why an extension is required, a written plan for completion of the inventory, and a reminder to institutions that failure to comply may subject them to civil penalties. Mr. Haas agreed with Mr. Monroe's suggestion to ensure that institutions have committed the necessary time and money priorities toward inventory completion.

Public Comment on Implementation of the Act in Alaska

Ms. Jana Harcharek, Alaska's North Slope, described the first repatriation experience of the Inupiat of the Arctic Slope as being an educational experience that pointed out lack of respect for ancestral human remains. The human remains, from a private collection, were returned in the box they were originally shipped in over

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90 years ago. She then reported that efforts have been taken on the part of the municipal government to work with tribal organizations and village corporations by way of tribal resolutions to educate the general public through NAGPRA workshops. She added that the elders and youth, at their annual meeting, plan to discuss the issue of repatriation, covering the basic points in order to develop a policy and guidelines to follow in submitting requests to museums, as inventories become available. Ms. Harcharek described an ongoing situation with the National Museum of Natural History at the Smithsonian where 600 Alaska Native human remains are currently held. As part of their documentation process, the museum was photographing and x-raying the human remains. When Alaska Natives objected, the museum stopped the documentation process until the issue can be resolved but have not repatriated the human remains. Alaska Natives object to any further documentation and feel the human remains should be returned expeditiously, since the origin of the human remains has been established. Mr. Haas pointed out that the Smithsonian has a history of returning or destroying offensive photographs, and if that is an issue, the Alaska Natives could probably ask

for the photographs of these human remains. Ms. Harcharek stated the fact that the documentation was being done despite objection by the Alaska Natives was their main concern and explained their concern about the possibility of setting a precedent for other cases if they were to allow further documentation in this case.

Ms. Vera Metcalf, NAGPRA Coordinator for Bering Straits region, explained that she represents the Bering Straits Foundation, a nonprofit organization that provides educational opportunities and promotes preservation of heritage and history. Currently, eleven communities are working together in order to pursue repatriation and have developed two resolutions for support in requesting grants. With one grant, a three-day workshop was held with representatives from the NAGPRA office of the NPS, the Fairbanks Museum, the Smithsonian, and an elder and an IRA representative from each of the villages. The participants agreed that repatriation was worth pursuing. They wondered why these human remains were taken in the first place.

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The foundation is now contacting and working with 130 museums describing their current actions with the communities and consulting on behalf of those eleven communities. Ms. Metcalf explained that their first priority is return of human remains from the Fairbanks Museum and the Smithsonian and explained that the villages are forming repatriation committees to deal with this issue. The Native Villages of Savoonga and Gambell have been active with consultation in Fairbanks. The Native Village of Wales is working to form a repatriation committee and to repatriate human remains from the Smithsonian. The Native Villages of Golovin and Wales are working on repatriation of human remains that were brought to Fairbanks from the Smithsonian for physical analysis. She reported that the Bondi collection, which contained human remains from 150 burials in Gambell, has been returned to Fairbanks from Switzerland, and hopefully, will be repatriated to Gambell. Ms. Metcalf described a handbook that was developed for the villages giving step-by-step guidelines on repatriation. She added that there is no agreement regarding the physical studies issue, since that decision is left to the individual communities. Mr. Haas asked about the issue of culturally

unidentifiable human remains and how that could be handled in Alaska. Ms. Metcalf replied that while she could not speak for her region and those communities, she was certain that Alaska Natives would work together to develop a solution to the problem of culturally unidentifiable or culturally unidentifiable Alaskan human remains.

Ms. Margie Macaulay, Communication Specialist and Cultural Resource Manager with the Bristol Bay Native Corporation, welcomed the committee and thanked them for coming to Alaska. She extended an invitation for them to visit the Bristol Bay region. She described the native people of Bristol Bay -- Yupiks, Athabascans and Aleuts -- as being a nomadic people who live respectfully with the land. She explained that Bristol Bay is just beginning to get involved in repatriation, and added that with the impact of the Russians and the relocation of villages a lot of the culture and practices were lost. NAGPRA is an important way to piece together some of the past. She stated that the phrase "clinging to the bare remnants of the past"

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was an appropriate way to describe the efforts of the Bristol Bay community. In their efforts to date, they have been able to identify that collectors associated with the Field Museum, the Smithsonian, and the University of Oregon traveled through their area. They will be working with each of these institutions regarding the repatriation of human remains.

Ms. Macaully reported that the Council of Katmai Descendants was formed as a result of NAGPRA to consult with the NPS, the caretaker for the Katmai area. There were nineteen human remains removed from Brooks Camp during construction of NPS facilities. Consultation with elders will have to be conducted to determine their wishes regarding these human remains. Ms. Macaully stated that through NAGPRA, they learned that 36 sacred masks, previously thought to be in a cave in Katmai National Park, had actually been removed in the 1920s. Seven have been located in a Juneau museum and one in California. The NPS is helping to repatriate those masks. Ms. Macaully stated that they are in the identification stages of the

repatriation process and are frustrated at the lack of financial and human resources available for repatriation.

Ms. Miranda Wright, Vice President of the Doyon Foundation, explained that while the Athabascan people had a very diverse geographic background, the Doyon Foundation is mainly concerned with the people in the very heart of Alaska. There are eleven Athabascan language groups in Alaska. This results in many different customs and traditions. The elders of her area have been called upon for guidance and advice on dealing with diverse customs, values, and beliefs regarding burial protocol. A native elders group, formed to guide and advise on the issue of repatriation, is still having a hard time understanding and dealing with the basic concept of repatriation. It is very painful to them. The cycle of physical death and spiritual renewal which occurs when the human remains go back to nature is very important. This cycle has been broken. Many feel that many of our social ills result from these injustices. There is still no agreement on what to do with the ancestral human remains. Some want the human remains returned and others do not. There is a lack of

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regard for spiritual connections with human remains. One museum identified masks by the type of material from which they were made. This categorization was irrelevant to the people, who remember the names of the masks, the spirits they represent, and the people who participated in the ceremonies where these masks were made. Another a collector retrieved masks from a "refuge heap." This was really a cache, or wooden structure, made specifically for these masks. The cache had collapsed, which was part of the cycle of returning to nature. Ms. Wright pointed out that since people have many jobs to do, repatriation issues may be delated, but they are not forgotten.

Ms. Shirley May Holmberg, in testimony read by Ms. Miranda Wright, spoke about the spiritual nature of burials and related objects. All human remains need to be reburied by native people with proper handling, prayers, and ceremonies. She stated that the luck previously lost, due to people using what they had in a wrong way, will come back to the tribal people if these human remains are reburied as soon as possible.

Mr. Emil Norton, Alutiiq Museum and Archeological Repository in Kodiak, stated that his museum is a small state-of-the-art museum that opened on May 13th. He explained that the museum is one of only two facilities in the state of Alaska that meets the Federal criteria standards to house human remains and items of cultural patrimony. Mr. Norton believes that the intent of NAGPRA is to have the control of these items given back to the village and tribal entities, which this museum is now able to do. Mr. Haas asked about the source of funding for the museum, and Mr. Norton replied that the facility was built with monies from the Exxon Valdez Oil Spill Trust Council and operational funding comes from private and village corporations representing the area of Kodiak.

Ms. Rachel Craig, Northwest Arctic Borough, thanked the committee for coming to Alaska and added she was happy that many people would be able to describe the implementation of NAGPRA in Alaska.

Ms. Craig described the initial reluctance of the people in her area to deal with repatriation because of the

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traditional taboo and negative effects associated with handling human remains. She reported a feeling of responsibility of the people to bring back all human remains. Ms. Craig reported, as the Chair of the Committee on Repatriation in the Northwest Arctic Borough, that they are currently negotiating with the Smithsonian for the return of four human remains. She explained that, historically, human remains were not buried in any systematic, identified way. They are currently being discovered, for example, during water and sewer construction projects. She emphasized that while handling human remains, it is important the people are spiritually prepared and cleansed, so bad things do not happen to them or their families. Ms. Craig stressed the importance of museums and agencies listening to Alaska Natives about the history of their ancestors and the importance of having the different communities of Alaska come together to develop agreement regarding this issue. She stated education of youth is important so they have a better understanding of these issues.

Ms. Cheryl Eldemar, Cultural Resource Specialist for the Central Council of Tlingit and Haida Indian Tribes, presented the committee with a copy of the Southeast area mission statement and goals toward repatriation. She reported on two successful repatriations under NAGPRA. A wolf headdress was repatriated by the Anchorage Museum to the Taku Yanyeyidi Tlingit. Human remains were recently repatriated to the Huna Indian Association on behalf of the Hoonah Tlingit. She then described four cases that are currently in progress. Ms. Eldemar stated that the Central Council is very supportive in the implementation of NAGPRA, and clans and tribal members are being encouraged to use their local IRAs and/or village corporations to make actual claims. She stated that NAGPRA grant monies had been used to create a NAGPRA database of inventory information which is distributed monthly to the various villages. She is in the process to identify Tlingit clans, clan leaders, and caretakers, since many items will fall under cultural patrimony claims due to the Tlingit social structure. She is also developing generic claims for the clans to use as guidance, with completed research information on each of the possible types of items.

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Ms. Eldemar described some solutions for the frustrating problem of the distance involved in the consultation process for many items, including a teleconference with the Smithsonian and videotapes of items from the University of Pennsylvania Museum. She also reported that delegates were able to tour collections at both the Hood Museum and the Harvard Museum through grants from the NPS. She described efforts at education through repatriation conferences, sharing resources, and educating youth, and she expressed a hope for more funding for this education, as well as a concern over the 50/50 split of funding between museums and Native groups.

Ms. Eldemar identified the continuing market in cultural items as one of the major problems in implementing NAGPRA. She was also concerned about the appropriateness of Memorandums of Understanding (MOU) in order to help streamline NAGPRA, especially when conflicts arise. She reported that some positive effects of NAGPRA are already being seen. A state agency recently called and asked permission to do testing on

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human hair. This demonstrated the researcher's increased sensitivity. Ms. Eldemar identified the primary needs at money and resources, education and training, and access to collections. Mr. Monroe and Mr. Haas both expressed their appreciation of the efforts of these people and explained that while museums are receiving funding, much of that is going directly to Indian tribes for consultation processes. Ms. Eldemar asked about the process for helping a small non-Federally recognized Indian group with repatriation. Mr. Monroe suggested that they look at the process used by the Mashpee Wampanoag in Massachusetts.

Ms. Barbara Carlson, Qawalangin Tribe of Unalaska and the Unalaska Corporation, explained that one problem they were facing was that many museum items were simply identified as "Aleut" with no further distinction between the various Aleut villages. It will take time and discussion to solve this problem. She stated that they are still learning about NAGPRA and are appreciative that the law has been enacted. Ms. Carlson supported inclusion of non-Federally recognized Indian groups in the draft recommendations.

She also objected to the exclusion of the Smithsonian Institution in section 2 of the statute. She felt that institutions should ask the permission of the culturally affiliated Indian tribe prior to conducting scientific studies. She described an instance where a well-meaning gentleman returned some human remains, but did so in an offensive manner. She hoped that NAGPRA will help people establish proper protocol so this sort of thing does not happen again. Ms. Carlson felt that lack of human and economic resources and the pain involved in dealing with the dead made implementation of NAGPRA difficult.

Ms. Alberta Stephan, Historian from the Native village of Eklutna, reported on the commercialization of an Athabascan graveyard. The spirit houses were repaired and painted, instead of being allowed to return to nature. A gift shop has been established nearby. The land is owned by the church and the for-profit Alaska Native corporation. Ms. Stephan asked the committee if they had any ideas about how to stop this type of activity.

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Mr. Steve Henrikson, Alaska State Museum and the Museums Alaska Organization, thanked the NPS for the excellent support provided by the NAGPRA team. He feels that Alaska Native villages and corporations should receive a larger percentage of NAGPRA grants since they have much greater distances to travel and a larger percentage of the Federally recognized Indian tribes. Mr. Henrikson explained that Museums Alaska is a state professional museum organization of over 30 museums in Alaska which has been active in providing information and resources to their members on the requirements of repatriation and an understanding of the law itself. One of the main goals of Museums Alaska is to work closely with developing cultural centers and museums, providing resources and training when needed.

Mr. Henrikson explained that the Alaska State Museum in Juneau and the Sheldon Jackson Museum in Sitka have a combined total of approximately 10,000 Native American objects. He reported that the Alaska State Museum published summaries of the collection inn 1993. These summaries were actually more like an

inventory of the collection which included collection data and other details where known. This has received a lot of interest. The Alaska State Museum has been active in consultations with various Alaska Native villages and corporations, including a recent meeting with eleven Tlingit and Haida elders and religious leaders that helped to point out the need for routine and ongoing consultations. The museum is also consulting with Alaska Native villages and corporations regarding regarding current exhibits, both to get ideas and also to ensure the exhibits are not offensive or improper.

Mr. Henrikson raised the issue of continuing acquisition of Native American objects. He was concerned that with no clearance and classification process currently in place, information learned in the future could affect present classifications of objects. The Alaska State Museum, in keeping with their goal of bringing as many Alaskan objects back to the state as possible, continues to acquire Alaska Native objects. Currently, the Alaska State Museum has a policy requiring consultation and consent before obtaining any Native American

objects. He presented a copy of a working agreement with one Indian tribe regarding the acquisition of an item that could be under the purview of NAGPRA. This agreement details the rights and responsibilities of both parties concerning the object, including clan use whenever needed and educational and research use by the museum when acceptable to the clan and Indian tribe.

Discussion of Committee's Future Activities

Recommendations Regarding Disposition of Culturally Unidentifiable Human Remains in Museum or Federal Agency Collections: The committee asked Mr. McManamon to send a letter to everyone that commented on the draft recommendations. Mr. Sullivan and Mr. Haas agreed to prepare a second draft to be considered at the next committee meeting. Mr. Monroe requested an opinion from the Office of the Solicitor regarding different strategies for disposition of culturally unidentifiable human remains. These would include

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broadening of the definition of cultural affiliation and the Secretary's ability to promulgate regulations on this matter. Mr. Haas agreed and added redefining shared group identity. Mr. Monroe suggested compiling a list of all options for resolving the issue of culturally unidentifiable human remains discussed so far. Mr. McManamon suggested having a representative from the Solicitor's Office present at the next committee meeting in order to answer any questions the committee members have. Mr. Haas asked that the committee members consider options for a solution to human remains that cannot be identified and submit those to Mr. Sullivan or Mr. McKeown. One option could be adhering to sepulcher law, as suggested by Mr. Vicenti. Another option could be to evaluate each occurrence on a case-by-case basis.

Upcoming Meetings: After discussion, the committee decided to pursue a meeting in February in Oklahoma. Disputes regarding the Oneida wampum belt and Satanta's shield were possible agenda items.

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Discussion of Draft Letters

Oneida Tribes/Chicago Field Museum: Mr. McManamon summarized that the letters would offer an opportunity for each party to attend the next committee meeting, provide oral presentations, and answer specific questions regarding this particular dispute. The committee would ask the two tribal parties for additional information regarding the use of this particular wampum belt, and wampum belts in general, during the 19th and 20th Centuries, along with other any specific questions the committee members might have.

Hearst Museum: The letter to the Hearst Museum regarding the Satanta shield dispute was approved as presented in draft form, with one small change in wording.

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Ms. Betty Washburn: The letter to Ms. Washburn regarding the Satanta shield dispute was approved as presented in draft form, with one clarification suggested by Ms. Naranjo about whether the shield shield can be considered a sacred object according to the explicit definitions in the statute.

Smithsonian Institution: Mr. Monroe explained that the committee's report to congress had previously pointed out that the Smithsonian Institution did not currently fall under provisions of the statute. The Smithsonian is operating under a different statutory authority. Some parts of the Smithsonian, specifically the National Museum of the American Indian, is more closely following NAGPRA provisions than other parts of the Smithsonian. The committee received two responses from the Smithsonian regarding the recommendation, both urging the committee not to make continued efforts to bring the Smithsonian under NAGPRA. Mr. Monroe suggested a formal recognition of the Smithsonian letters. The committee should acknowledge the Smithsonian's efforts is making to carry out repatriation. While acknowledging the

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explanation, Mr. Monroe felt the committee should explain it still feels that the Smithsonian Institution should be required to follow the requirements of NAGPRA. There appears to be a lack of consistency within the Smithsonian as to how Indian tribes are treated. He expressed concern about how the Smithsonian was notifying Indian tribes and about their consultation process. He understood that the Smithsonian has expended considerable and substantial resources on repatriation, but was concerned that they are following several very different set of procedures.

Ms. Naranjo asked Ms. Andrea Hunter, Vice Chair of the Smithsonian's Repatriation Review Committee, to address the committee. She stated that the Smithsonian Review Committee is satisfied with the progress of the Smithsonian Repatriation office regarding inventory and consultations. She reported that the Smithsonian Review Committee has been very busy with a dispute with the Pawnee Tribe and hopes that this dispute will become a model for successful consultation and repatriation. Mr. Monroe expressed concern that the

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Smithsonian is only required by law to repatriate human remains and funerary objects. Repatriation of sacred objects and objects of cultural patrimony is covered by policy, which can be changed at any time. He was also concerned about a lack of consistency between the repatriation at the National Museum of Natural History and the National Museum of the American Indian. Mr. Monroe pointed out that at promises were made to bring the Smithsonian under NAGPRA when the statute was passed in 1990. These promises have not been honored. Ms. Hunter explained that the Smithsonian has been putting on workshops where both museums are present, going out to the Indian communities, and trying to help Indian tribes have a better understanding of the different procedures between the two museums within the Smithsonian. She expressed an interest in having the NAGPRA committee and the Smithsonian Review Committee meet in order to discuss common ground and develop consensus.

Ms. Naranjo suggested a reminder in the letter of the original pledge to bring the Smithsonian under

NAGPRA. Mr. McManamon suggested that the letter be drafted by Mr. Monroe, reviewed with the Chair and other members of the committee, given to the NPS for final drafting, and then given to the Chair in order to be sent to the Smithsonian.

Public Comment

Mr. Gary Harrison, Chickaloon Village, expressed concern that it is so difficult to hire individuals with expert knowledge to complete NAGPRA grants. He felt that museums should be required to actively seek the participation of Indian tribes that might have an interest in certain human remains and objects, rather than just sending a written notification. Many Indian tribes do not have the resources to respond to written notifications. Mr. Harrison further described mistreatment of Native American graves on private land. Trash is being burned on top of the graves. He asked for suggestions on how to stop this mistreatment,

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understanding that the situation is not covered by NAGPRA since it is on private land.

Ms. Jana Harcharek, President of Keepers of the Treasures Alaska, indicated that her organization was interested in assisting with the disposition of culturally unidentifiable human remains and objects which are listed as being "from Alaska," with no tribal or geographical affiliation. Keepers of the Treasures Alaska has submitted a resolution to the Alaskan Federation of Natives that calls for developing a steering committee to deal with this category of human remains as well as other human remains that are classified as culturally unidentifiable. Ms. Harcharek felt that the proper way to deal with culturally unidentifiable human remains would be for Indian tribes to decide their disposition, working with existing organizations such as the Keepers of the Treasures and the National Congress of American Indians. She stated that the resolution also encourages working with existing repatriation efforts within Alaska on issues of human remains that are partially identified, i.e., Inupiat, Yupik, or Siberian. Ms. Harcharek stated that regional dialogues already

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take place across the country and should be encouraged and given priority in funding.

Mr. Brian Patterson, Oneida Nation of New York, inquired if the acknowledgement letters for comments received on the draft recommendations of culturally unidentifiable human remains could be sent to all Indian tribes in order to promote equal levels of information and understanding. The committee felt that this is a good idea and was open to suggestions on a viable way to accomplish this. Various options were discussed, and Mr. Keller George stated that he felt distribution of this type of information could be made by the National Congress of American Indians and the United South and Eastern Tribes to their members.

Mr. Bob Sam, Tlingit from Sitka, Alaska, told of his personal experience in righting the desecration of thousands of graves in his hometown due to the construction of homes on top of Native American graves. It took ten years for him to completely return all the human remains to the ground and for the city to protect

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the graves. He explained that the committee has the opportunity to make peace for the first time in 500 years. That gesture of peace is for the ancestors to come back home. Mr. Sam explained that the thought of having to reinter human remains is overwhelming to Tlingit people and will have a great impact on them. Reinterment is an entirely new concept. New ceremonies need to be developed. He described the world-wide travels of his ancestors. He asserted that there is no such thing as culturally unidentifiable human remains. All human remains need to go home. Mr. Sam stated that he was honored to be able to speak and thanked the committee for their time.

Closing

Ms. Naranjo expressed her appreciation for being in Alaska and the informative summary of the implementation in Alaska. Mr. McManamon thanked the members of the committee for their time and

effort, the Keepers of the Treasures Alaska for organizing the implementation update and the reception held for the committee, and the National Bank of Alaska for the reception. Mr. William Tallbull gave the closing blessing. The meeting was adjourned at 3:30 p.m. on Wednesday, October 18, 1995.

Approved:

 /S/ Tessie Naranjo
Tessie Naranjo, Chair
Native American Graves Protection
and Repatriation Committee

 October 24, 1997
Date

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